



3739

# 7

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark D. Markel                          Art Unit : Unknown  
Serial No. : 09/996,978                          Examiner : Unknown  
Filed : October 31, 2001  
Title : METHOD FOR TREATING TISSUE IN ARTHROSCOPIC ENVIRONMENT

Commissioner for Patents  
Washington, D.C. 20231

RE-SUBMISSION OF REVOCATION AND NEW POWER OF ATTORNEY

On October 18, 2002, applicants submitted the enclosed Revocation and New Power of Attorney referencing the above-identified application.

Although the undersigned has learned by telephone that the power of attorney may have been processed, no written confirmation has yet been received of our appointment. Accordingly, for the convenience of the U.S. Patent and Trademark Office, applicants are re-submitting the Revocation and New Power of Attorney and respectfully request written acknowledgement of the change in power of attorney for this application.

Form PTO/SB/122 changing the correspondence address for this case is being filed concurrently.

Please also return a date-stamped copy of the enclosed postcard and apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 12/18/02

  
\_\_\_\_\_  
Brian J. Dorini  
Reg. No. 43,594

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

40134276.doc

RECEIVED  
DEC 19 2002  
TC 3700 MAIL ROOM



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
Washington, D.C. 20231

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b) ORATEC INTERVENTIONS, INC., a Delaware corporation, certifies that it is the assignee of 100% of the right, title and interest in the sixty-two (62) patents and patent applications listed on the attached Appendix (Table) by virtue of assignments from the inventors of the patents and patent applications. The assignments for all but one of the sixty-two (62) patents and patent applications were recorded in the Patent and Trademark Office at Reel and Frame numbers provided in the Appendix (Table). The executed assignment for patent application serial number 09/286,271 was not recorded and is, therefore, included with this submission.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the applications and appoints:

Peter J. Devlin, Reg. No. 31,753; John F. Hayden, Reg. No. 37,640; Scott R. Boalick, Reg. No. 42,337; Andrew F. Bodendorf, Reg. No. 39,537; Diana DiBerardino, Reg. No. 45,653; Brian J. Dorini, Reg. No. 43,594; Harold H. Fox, Reg. No. 41,498; William D. Hare, Reg. No. 44,739; Joseph F. Key, Reg. No. 44,827; Phyllis K. Kristal, Reg. No. 38,524; Heather Morin, Reg. No. 37,336; W. Karl Renner, Reg. No. 41,265; Shailaja M. Shirodkar, Reg. No. 50,171; Gregory A. Walters, Reg. No. 41,366; R. Whitney Winston, Reg. No. 44,432; Joel R. Petrow, Reg. No. 30,866; Earl Douglas, Reg. No. 31,723; George K. Stacey, Reg. No. 35,688; and Bill Clemons, Reg. No. 32,558.

FISH & RICHARDSON P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500

RECEIVED  
DEC 19 2002  
U.S. MAIL ROOM  
3700 RUE

with full power of substitution and revocation, to prosecute the patent applications and to transact all business in the United States Patent and Trademark Office connected with the patents and patent applications.

Per 37 C.F.R. § 10.18(b), the undersigned has reviewed all the documents in the chain of title of the patents and patent applications listed on the attached Appendix (Table), or made an inquiry reasonable under the circumstances, and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

All correspondence regarding the patents and patent applications should be sent to:

Joel R. Petrow  
Smith & Nephew, Inc.  
1450 Brooks Road  
Memphis, TN 38116

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the applications or any patents issued thereon.

Respectfully submitted,

Date: 4 Oct 02

By: Joel R. Petrow  
Title: Associate General Counsel

ORATEC INTERVENTIONS, INC.  
3700 Haven Court  
Menlo Park, CA 94025

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

Appendix (Table)

No.	F&R Reference	Serial No./Patient No.	Filing Date/Issue Date	Inventors	Title	Assignment Recordation Date	Reel/Frame
1	14170/002001	09/876,827	6/6/2001	Hugh Sharkey et al.	INTERVERTEBRAL DISC DEVICE EMPLOYING PREBENT SHEATH	10/3/2001	012241/0608
2	14170/003001	09/876,833	6/6/2001	Kevin To et al.	INTERVERTEBRAL DISC DEVICE EMPLOYING LOOED PROBE	10/3/2001	012241/0223
3	14170/004001	09/876,832	6/6/2001	Hugh Sharkey et al.	INTERVERTEBRAL DISC DEVICE EMPLOYING FLEXIBLE PROBE	10/3/2001	012235/0836
4	14170/005001	09/876,831	6/6/2001	Andy Uchida et al.	ELECTROMAGNETIC ENERGY DELIVERY INTERVERTEBRAL DISC TREATMENT DEVICES	10/3/2001	012292/0351
5	14170/006001	10/071,470	2/8/2002	Hugh R. Sharkey et al.	ELECTROSURGICAL INSTRUMENT HAVING A PREDETERMINED HEAT PROFILE	4/29/2002	012866/0727
6	14170/009001	09/488,161	1/20/2000	Hugh Sharkey, et al.	METHOD AND APPARATUS FOR STIMULATING NERVE REGENERATION	5/8/2000	010775/0039
7	14170/010001	09/624,689	7/24/2000	Marc J. Philippon	METHOD AND APPARATUS FOR TREATING OSTEOCHONDRAL PATHOLOGIES	10/4/2000	011212/0365
8	14170/010002	10/215,020	8/9/2002	Marc J. Philippon	METHOD AND APPARATUS FOR TREATING OSTEOCHONDRAL PATHOLOGIES	10/4/2000	011212/0365
9	14170/011001	08/637,095	4/24/1996	Ronald G. Lax et al.	METHOD AND APPARATUS FOR CONTROLLED CONTRACTION OF SOFT TISSUE	5/8/1998 6/29/1998	9171/0279 9298/0704

A.R.

A.R.

A.R.

A.R.

A.R.

A.R.

A.R.

Conrad Boone

3/27/2003

**Appendix (Table)**

No.	F&R Reference	Serial No./Patent No.	Filing Date/Issue Date	Inventors	Title	Assignment Recordation Date	Reel/Frame Date
10	14170/012001	08/888,359	7/3/1997	James A. Baker Jr. et al.	ORTHOPEDIC APPARATUS FOR CONTROLLED CONTRACTION OF COLLAGEN TISSUE	8/22/1997	8664/0222
11	14170/012002	10/215,084	8/9/2002	James A. Baker Jr. et al.	ORTHOPEDIC APPARATUS FOR CONTROLLED CONTRACTION OF COLLAGEN TISSUE	8/22/1997	8664/0222
12	14170/013001	5,458,596	10/17/1995	Ronald G. Lax, et al.	METHOD AND APPARATUS FOR CONTROLLED CONTRACTION OF SOFT TISSUE	2/17/1998	008975/0295
13	14170/013002	5,569,242	10/29/1996	Ronald G. Lax, et al.	METHOD AND APPARATUS FOR CONTROLLED CONTRACTION OF SOFT TISSUE	4/10/1998	009103/0730
14	14170/014001	08/714,987	9/17/1996	Hugh Sharkey et al.	METHOD AND APPARATUS FOR CONTROLLED CONTRACTION OF SOFT TISSUE	6/23/1998	009103/0753 009297/0268
15	14170/015001	5,514,130	5/7/1996	James Baker	RF APPARATUS FOR CONTROLLED CONTRACTION OF SOFT TISSUE	11/13/1996	8289/0040
16	14170/015002	5,785,705	7/28/1998	James Baker	RF APPARATUS FOR CONTROLLED DEPTH ABLATION OF SOFT TISSUE	2/17/1998	8975/0281
17	14170/016001	08/390,873	2/17/1995	James Baker et al.	ORTHOPEDIC APPARATUS FOR CONTROLLED CONTRACTION OF COLLAGEN TISSUE	8/22/1997	8664/0222
18	14170-017001	5,823,994	10/20/1998	Hugh R. Sharkey	METHOD AND APPARATUS FOR SOFT TISSUE FIXATION	5/24/1996	007993/0234

A.R.

A.R.

A.R.

A.R.

A.R.

A.R.

A.R.

Aug 31/2003

**Appendix (Table)**

No.	F&R Reference	Serial No./Patent No.	Filing Date/Issue Date	Inventors	Title	Assignment Recordation Date	Reel/Frame
19	14170/018001	6,122,549	9/19/2000	Hugh R. Sharkey et al.	APPARATUS FOR TREATING INTERVERTEBRAL DISCS WITH RESISTIVE ENERGY	4/20/1998	009158/0440
20	14170/018002	6,283,960	9/4/2001	John Ashley	APPARATUS FOR DELIVERY OF ENERGY TO A SURGICAL SITE	11/6/1998	009579/0127
21	14170/019001	6,004,320	12/21/1999	Christopher D. Casscells et al.	CLIP ON ELECTROCAUTERIZING SHEATH FOR ORTHOPEDIC SHAVE DEVICES	5/4/1998	009148/0830
22	14170/019002	6,214,001	4/10/2001	Christopher D. Casscells et al.	ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES	4/24/1998	009151/0644
23	14170/019003	6,007,533	12/28/1999	Christopher D. Casscells et al.	ELECTROCAUTERIZING TIP FOR ORTHOPEDIC SHAVE DEVICES	8/3/1998	009365/0232
24	14170/019004	09/731,686	12/5/2000	Christopher D. Casscells et al.	ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES	12/5/2000	01140/0935
25	14170/020001	6,176,857	1/23/2001	John E. Ashley	METHOD AND APPARATUS FOR APPLYING THERMAL ENERGY TO TISSUE ASYMMETRICALLY	3/1/1999	009789/0623
26	14170/020002	6,350,262	2/26/2002	John E. Ashley	METHOD AND APPARATUS FOR APPLYING THERMAL ENERGY TO TISSUE ASYMMETRICALLY	4/12/2000	010751/0004
27	14170/021001	6,073,051	6/6/2000	Hugh J. Sharkey et al.	APPARATUS FOR TREATING INTERVERTEBRAL DISCS WITH ELECTROMAGNETIC ENERGY	3/30/1998	9070/0619

*Aaron Boone 3/7/2003*

**Appendix (Table)**

No.	F&R Reference	Serial No./Patient No.	Filing Date/Issue Date	Inventors	Title	Assignment Recordation Date	Reel/Frame
28	14170/022002	6,099,514	8/8/2000	Hugh R. Sharkey et al.	METHOD AND APPARATUS FOR DELIVERING OR REMOVING MATERIAL FROM THE INTERIOR OF AN INTERVERTEBRAL DISC	9/29/1998	009503/0905
29	14170/023001	6,007,570	12/28/1999	Hugh J. Sharkey et al.	APPARATUS WITH FUNCTIONAL ELEMENT FOR PERFORMING FUNCTION UPON INTERVERTEBRAL DISCS	3/23/1998	9059/0526
30	14170/023002	6,261,311	7/17/2001	Hugh R. Sharkey et al.	METHOD AND APPARATUS FOR TREATING INTERVERTEBRAL DISCS	7/30/1999	010140/0995
31	14170/023003	09/706,244	11/3/2000	Hugh J. Sharkey et al.	METHOD AND APPARATUS FOR TREATING INTERVERTEBRAL DISCS	11/3/2000	011408/0370
32	14170/024001	5,954,716	9/21/1999	Hugh R. Sharkey et al.	METHOD FOR MODIFYING THE LENGTH OF A LIGAMENT	7/27/1998 2/17/2000	009356/0947 010600/0120
33	14170/026US1	6,246,913	6/12/2001	Hugh R. Sharkey	METHOD AND APPARATUS FOR THE TREATMENT OF STRABISMUS	4/12/1999	009907/0822
34	14170/028001	6,095,149	8/1/2000	Hugh R. Sharkey et al.	METHOD FOR TREATING INTERVERTEBRAL DISC DEGENERATION	4/20/1998	009158/0440
35	14170/035001	6,126,682	10/3/2000	Hugh R. Sharkey et al.	METHOD FOR TREATING ANNULAR FISSURES IN INTERVERTEBRAL DISCS	9/15/1998	009467/0253
36	14170/036001	6,258,086	7/10/2001	John E. Ashley et al.	CATHETER FOR DELIVERY OF ENERGY TO A SURGICAL SITE	6/25/1999	010058/0947

A.R.

A.R.

A.R.

A.R.

A.R.

A.R.

A.R.

3/7/2003

Appendix (Table)

No.	F&R Reference	Serial No./Patient No.	Filing Date/Issue Date	Inventors	Title	Assignment Recordation Date	Reel/Frame
37	14170/036002	09/776,231	2/1/2001	John E. Ashley et al.	CATHETER FOR DELIVERY OF ENERGY TO A SURGICAL SITE	5/24/2001	011850/0006
38	14170/036003	09/776,186	2/1/2001	John E. Ashley et al.	CATHETER FOR DELIVERY OF ENERGY TO A SURGICAL SITE	5/24/2001	011849/0973
39	14170/037001	09/792,628	2/22/2001	Hugh R. Sharkey et al.	APPARATUS AND METHOD FOR ACCESSING AND PERFORMING A FUNCTION WITHIN AN INTERVERTEBRAL DISC	7/25/2001	01202/0349
40	14170/037002	09/884,859	6/18/2001	Hugh R. Sharkey et al.	APPARATUS AND METHOD FOR ACCESSING AND PERFORMING A FUNCTION WITHIN AN INTERVERTEBRAL DISC	10/2/2001	012235/0838
41	14170/038001	6,290,715	9/18/2001	Hugh R. Sharkey et al.	METHOD AND APPARATUS FOR DELIVERING ENERGY ADJACENT TO THE INNER WALL OF AN INVERTERTEBRAL DISC	3/6/2000	010662/0207
42	14170/038002	09/707,627	11/6/2000	Hugh R. Sharkey et al.	METHOD FOR TREATING INTERVERTEBRAL DISCS	11/6/2000	011283/0892
43	14170/039001	09/578,988	5/25/2000	Dongchul D. Hyun	INFUSION DISPENSER WITH ADJUSTABLE FLOW RATE REGULATOR	12/7/2001	012348/0843
44	14170/042001	RE35,187	3/26/1996	Norman Gortz	FLUID DISPENSING APPARATUS WITH PRESTRESSED BLADDER	12/20/2001	012383/0276
45	14170/044001	09/753,786	1/2/2001	Hugh R. Sharkey et al.	SURGICAL INSTRUMENT WITH OFF-AXIS ELECTRODE	5/25/2001	011854/0145

3/21/03

Coors

## Appendix (Table)

No.	F&R Reference	Serial No./Patent No.	Filing Date/Issue Date	Inventors	Title	Assignment Recordation Date	Reel/Frame

46	14170/045001	6,162,217	12/19/2000	Donald P. Kannenberg et al.	METHOD AND APPARATUS FOR CONTROLLING A TEMPERATURE-CONTROLLED PROBE	9/13/1999	010248/0385
47	14170/045002	09/738,944	12/14/2000	Donald P. Kannenberg et al.	METHOD AND APPARATUS FOR CONTROLLING A TEMPERATURE-CONTROLLED PROBE	9/13/1999	010248/0385
48	14170/048001	6,168,593	1/2/2001	Hugh R. Sharkey et al.	ELECTRODE FOR ELECTROSURGICAL COAGULATION OF TISSUE	4/20/1998	009122/0747 009140/0149
49	14170/049001	08/978,884	11/26/1997	Gary S. Fanton et al.	SURGICAL INSTRUMENT WITH SHAPEABLE SHAFT	9/17/1998	009475/0261
50	14170/050001	6,358,273	3/19/2002	Bruno Strul et al.	SOFT TISSUE HEATING APPARATUS WITH INDEPENDENT COOPERATIVE HEATING SOURCES	4/10/2000	010730/0193
51	14170/051001	6,379,350	4/30/2002	Hugh R. Sharkey et al.	SURGICAL INSTRUMENT FOR ABLATION AND ASPIRATION	2/17/2000	010684/0825
52	14170/051002	09/895,609	6/29/2001	Hugh R. Sharkey et al.	SURGICAL INSTRUMENT HAVING DISTAL FACE WITH FIRST AND SECOND ELECTRODES	2/17/2000	010684/0825
53	14170/053001	09/286,271	4/5/1999	Donald P. Kannenberg et al.	METHOD AND APPARATUS FOR CONTROLLING A TEMPERATURE-CONTROLLED PROBE	Copy of assignment included	
54	14170/056001	5,277,696	1/11/1994	Alfred Hagen	MEDICAL HIGH FREQUENCY COAGULATION INST.	9/5/2000	011072/0622
55	14170/057001	6,135,999	10/24/2000	Gary S. Fanton et al.	CONCAVE PROBE FOR ARTHROSCOPIC SURGERY	11/3/1998 11/10/1998	009567/0071 009584/0711 009584/0716

Appendix (Table)

No.	F&R Reference	Serial No./Patent No.	Filing Date/Issue Date	Inventors	Title	Assignment Recordation Date	Reel/Frame
56	14170/057002	6,391,028	5/21/2002	Gary S. Fanton et al.	PROBE WITH DISTALLY ORIENTATED CONCAVE CURVE FOR ARTHOSCOPIC SURGERY	5/16/2000	010809/0348
57	14170/058001	09/340,065	6/25/1999	Gary S. Fanton et al.	CONCAVE PROBE FOR ARTHROSCOPIC SURGERY	1/6/2000	010525/0212
58	14170/058002	Not yet assigned	9/13/2002	Gary S. Fanton et al.	CONCAVE PROBE FOR ARTHROSCOPIC SURGERY	1/6/2000	010525/0212
59	14170/059001	6,068,628	5/30/2000	Gary S. Fanton et al.	APPARATUS FOR TREATING CHONDROMALACIA	10/21/1996	008258/0346
60	14170/061001	09/996,978	10/31/2001	Mark D. Markel	METHOD FOR TREATING TISSUE IN ARTHROSCOPIC ENVIRONMENT	10/31/2001	012339/0235
61	14170/062001	09/476,018	12/31/1999	Mark D. Markel et al.	THERMAL PROTECTION FOR METHODS OF TREATING ARTHROSCOPIC PATHOLOGIES	4/10/2000	010680/0385
62	14170/063001	09/780,648	2/8/2001	Hugh R. Sharkey et al.	METHOD AND APPARATUS FOR TREATMENT OF DISRUPTED ARTICULAR CARTILAGE	4/11/2001	011688/0054